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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,058	10/21/2004	Toshio Nomura	0033-0960PUS1	8612
2292 7590 09/15/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
BROOME, SAID A				
ART UNIT		PAPER NUMBER		
2628				
NOTIFICATION DATE		DELIVERY MODE		
09/15/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/512,058

Applicant(s)

NOMURA ET AL.

Examiner

SAID BROOME

Art Unit

2628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 September 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Ulka Chauhan/
Supervisory Patent Examiner, Art Unit 2628

/Said Broome/
Examiner, Art Unit 2628

Continuation of 11, does NOT place the application in condition for allowance because: The applicant argues that in regards to claim 47, although Harman appears to teach presenting a common border during display of stereoscopic images, Harman does not suggest including "first information indicating border image data to be displayed" as part of the three-dimensional image display control information. However, applicant's arguments are unpersuasive because the border image data displayed by Harman is displayed in real-time as three-dimensional images are transmitted, or output, to a display device, therefore the border image data provided by Harman is utilized to control the manner in which the 3D images are output to a display, such as through addition of border image data to those 3D images, to further enhance the stereoscopic effect of the images, as disclosed in col. 14 lines 4-20 & col. 6 lines 45-51. Therefore the 35 U.S.C. 103(a) rejection of claim 47 has been maintained.

The applicant argues that in regards to claim 47, Harman does not teach or suggest that information regarding the border image data is included in 3D display control information necessary for conversion for enabling stereoscopic vision of said three-dimensional image data in a desired format adapted to a display unit. However, applicant's arguments are unpersuasive because Swift was relied upon to teach 3D display control information that is required to enable three-dimensional data to be properly converted in a format for stereoscopic imaging on a display (col. 8 lines 45-63), in which Swift was modified using the teachings of Harman, which dictates display of stereoscopic images through enhancement using border image data that improvise the stereoscopic effect of the images (col. 6 lines 45-51). Therefore the 35 U.S.C. 103(a) rejection of claim 47 has been maintained in which in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The applicant argues that in regards to claim 47, genlocking the border graphic with the 3D images during display output, as taught by Harman, would synchronize, during output, a video source comprising a border graphic with a source comprising the 3D image data to be displayed. This process still does not teach or suggest including image data information in the 3D control information to be stored in the multimedia information file. However, applicant's arguments are unpersuasive because the border image data provided by Harman, which is utilized to enhance display of 3D images during image output, would thereby drive or control the resultant display of 3D images through enabling border image data to be comprised with the images during output. Therefore Harman teaches 3D control information, which when used to modify the 3D control information of Swift, would be stored within the multimedia file of Swift (col. 3 lines 24-26), which comprises the 3D control information, to further modify the 3D images through stereoscopic enhancement using border image data (col. 6 lines 45-51). Therefore the 35 U.S.C. 103(a) rejection of claim 47 has been maintained.